

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

## IN RE MUNICIPAL DERIVATIVES ANTITRUST LITIGATION

### THIS DOCUMENT RELATES TO:

Active Retirement Community, Inc., d/b/a
Jefferson's Ferry v. Bank of America,
N.A., et al., No. 10-8273

City of Los Angeles v. Bank of America, N.A., et al.; No. 08-10351

City of Riverside, et al. v. Bank of America, N.A., et al.; No. 09-10102

City of Stockton v. Bank of America, N.A., et al.; No. 08-10350

Contra Costa County v. Bank of America, N.A., et al.: No. 09-1197

County of San Diego v. Bank of America, N.A., et al.; No. 09-1195

County of San Mateo v. Bank of America, N.A., et al.; No. 09-1196

County of Tulare v. Bank of America, N.A., et al.; No. 10-0628

Los Angeles World Airports v. Bank of America, N.A., et al.; No. 10-0627

The Redevelopment Agency of the City of Stockton, et al. v. Bank of America, N.A., et al.; No. 10-0630

Sacramento Municipal Utility District v.
Bank of America, N.A., et al.;
No. 09-10103

Sacramento Suburban Water District v.

Bank of America, N.A., et al.;

No. 10-0629

East Bay Municipal Utility District v. Bank of America, N.A., et al.; No. 10-4990

City of Redwood City v. Bank of America, N.A., et al.; No. 10-4988

City of Richmond v. Bank of America, N.A., et al.; No. 10-4989 MDL No. 1950

Master Docket No. 08-02516 (VM) (GWG)

STIPULATION AND [PROPOSED]
ORDER GRANTING PUBLIC
ENTITY PLAINTIFFS' LEAVE TO
FILE AMENDED COMPLAINTS AND
CONCERNING DEFENDANTS'
RESPONSES THERETO

City of San Jose, et al. v. Bank of America, N.A., et al.; No. 10-04991 Redevelopment Agency of the City and County of San Francisco v. Bank of America, N.A., et al.; No. 10-4987

WHEREAS, on February 17, 2011, the Court entered an Order Granting Plaintiff Jefferson's Ferry ("Jefferson's Ferry") Leave to File its Second Amended Complaint ("JFSAC"); WHEREAS, on February 23, 2011, Jefferson's Ferry filed the JFSAC with the Court;

WHEREAS, on May 17, 2010, Plaintiff Contra Costa County filed its Third Amended Complaint and seeks to file its Fourth Amended Complaint ("CCCFAC");

WHEREAS, on May 18, 2010, Plaintiff East Bay Municipal Utilities District filed its Complaint and seeks to file its First Amended Complaint ("EBMUDFAC");

WHEREAS on, May 10, 2010, Plaintiff Los Angeles World Airports filed its First Amended Complaint and seeks to file its Second Amended Complaint ("LAWASAC");

WHEREAS on May 17, 2010, Plaintiff City of Los Angeles filed its Second Amended Complaint and seeks to file its Third Amended Complaint ("LATAC");

WHEREAS on May 18, 2010, Plaintiff City of Redwood City filed its Complaint and seeks to file its First Amended Complaint ("REDFAC");

WHEREAS on May 18, 2010, Plaintiff City of Richmond filed its Complaint and seeks to file its First Amended Complaint ("RICHFAC");

WHEREAS on May 10, 2010, Plaintiffs City of Riverside, et al. filed their First Amended Complaint and seeks to file its Second Amended Complaint ("RIVSAC");

WHEREAS on May 10, 2010, Plaintiff Sacramento Suburban Water District filed its First Amended Complaint and seeks to file its Second Amended Complaint ("SSWDSAC"); WHEREAS on May 17, 2010, Plaintiff San Mateo County filed its Third

Amended Complaint and seeks to file its Fourth Amended Complaint ("SMFAC");

WHEREAS on May 17, 2010, Plaintiff San Diego County filed its Third Amended Complaint and seeks to file its Fourth Amended Complaint ("SDFAC");

WHEREAS on May 21, 2010, Plaintiffs City of San Jose, et al. filed their Complaint and seeks to file its First Amended Complaint ("SJFAC");

WHEREAS on May 18, 2010, Plaintiff Redevelopment Agency of the City and County of San Francisco filed its Complaint and seeks to file its First Amended Complaint ("SFRDAFAC");

WHEREAS on May 10, 2010, Plaintiff Sacramento Municipal Utilities District filed its First Amended Complaint and seeks to file its Second Amended Complaint ("SMUDSAC");

WHEREAS on May 10, 2010, Plaintiffs The Redevelopment Agency of the City of Stockton, et al. filed their First Amended Complaint and seeks to file its Second Amended Complaint ("SRDASAC");

WHEREAS on May 17, 2010, Plaintiff City of Stockton filed its Third Amended Complaint and seeks to file its Fourth Amended Complaint ("STOCKFAC");

WHEREAS on May 10, 2010, Plaintiff Tulare County filed its First Amended Complaint and seeks to file its Second Amended Complaint ("TSAC"):

WHEREAS the CCCFAC, EBMUDFAC, LAWASAC, LATAC, REDFAC,
RICHFAC, RIVSAC, SSWDSAC, SMFAC, SDFAC, SJFAC, SFRDAFAC, SMUDSAC,
SRDASAC, STOCKFAC and TSAC are collectively referred to herein as the "Amended
Complaints";

WHEREAS Plaintiff Jefferson's Ferry, Plaintiff Contra Costa County, Plaintiff
East Bay Municipal Utilities District, Plaintiff Los Angeles World Airports, Plaintiff City of Los
Angeles, Plaintiff City of Redwood City, Plaintiff City of Richmond, Plaintiffs City of Riverside,
Plaintiff City of Riverside Redevelopment Agency, Plaintiff City of Riverside Public Finance
Authority, Plaintiff Sacramento Suburban Water District, Plaintiff San Mateo County, Plaintiff
San Diego County, Plaintiffs City of San Jose, Plaintiff City of San Jose Redevelopment

Agency, Plaintiff City of San Jose Public Finance Authority, Redevelopment Agency of the City and County of San Francisco, Plaintiff Sacramento Municipal Utilities District, Plaintiffs The Redevelopment Agency of the City of Stockton, Plaintiff The Public Finance Authority of the City of Stockton, Plaintiff City of Stockton and Plaintiff Tulare County are collectively referred to herein as "Plaintiffs", and

WHEREAS any entity named in any or all of the Amended Complaints is referred to herein as "Defendant" and collectively as "Defendants";

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and Defendants, subject to the approval of the Court, as follows:

- 1. Pursuant to Federal Rule of Civil Procedure 15(b) Plaintiffs have leave to file the Amended Complaints;
- 2. Defendants' previously filed Answers to the complaints of Plaintiffs operative as of the date of this stipulation shall be deemed to apply to the Amended Complaints of Plaintiffs, and Defendants shall not be obligated to answer the Amended Complaints except as described herein;
- 3. Defendants' answers to the applicable new allegations listed in the Correlation
  Chart of New Allegations attached hereto as Exhibit A, whether answered as part of a
  Defendant's answer to the JFSAC or otherwise answered, shall be deemed to apply to each of the
  other corresponding paragraphs of the Amended Complaints; and
- 4. Defendants shall separately answer each of the paragraphs of the Amended Complaints listed in the New Client Specific Allegations attached hereto as Exhibit B, except to the extent that a defendant has already answered those allegations in a previously filed Answer, which responses shall be deemed to apply to each of the corresponding paragraphs in Exhibit B. This stipulation is without prejudice to the right of any Defendant to move to dismiss any Amended Complaint or any other complaint including without limitation the JFSAC.

Dated: March 28, 2011

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Dated: March 28, 2011

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Dated: March  $2\theta$ , 2011

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Attorneys for Defendant Bank of America, N.A. and Merrill Lynch & Co., Inc.

So Ordered:

Hon. Gabriel W. Gorenstein United States Magistrate Judge

## Exhibit A

EXHIBIT A CORRELATION CHART OF NEW ALLEGATIONS

Σ	San Mateo County 4th Amended	Complaint	12	28-29	31	34	51	61	63-68	78-86	110	111-112	117	121	.131	166-169	179	183	192-193	204	205	206	218-220	231	233	250	261	247	255	256	203	ì
		$\neg$	12	28-29	31	35	47	57	25	-82	111	13	118	122	132	70	180	184	77	205	206	207	119	232	234	251	262	248	256	257	294	
	San Jose (City & RDA) 1st Amended	Complaint							59-64	74-82	1	112-113	1	1	1	167-170	1		193-194				217-219	2			2	7	2	2	2	
×	San Diego County 4th Amended	Complaint	12	28-29	31	34	51	. 61	63-68	78-86	110	111-112	117	121	131	166-169	179	183	192-193	707	502	206	218-220	231	233	250	261	247	255	256	293	
<u>-</u>	SSWD 2nd Amended	Complaint	12	28-29	31	34		57	59-64	74-82	110	111-112	117	121	131	166-169	179	183	192-193	204	502	206	218-220	231	233		261	247	255	256	293	
	City Riverside 2nd Amended	Complain	12	28-29	31	37	54	49	17-66	81-89	113	114-115	120	124	134	169-172	182	981	195-196	207	208		221-223	234			564	250	258		967	
Ħ	City Richmond 1st Amended	Complair	12	28-29	31	34	51	61	89-68	98-82	110	111-112	117	121	131	166-169	621	183	192-193	204	502	206	218-220	. 231	233	250	261	247	255	256	293	
9	City of Redwood City 1st Amended	Complair	12	28-29	31	34	51	61	63-68	78-86	110	111-112	117	121	131	166-169	179	183	192-193	204	205	206	218-220	231	233	250	261	247	255	256	293	
Ł	City of Los Angeles 3rd Amended	Complaint	12	28-29	31	34	51	61	63-68	78-86	110	111-112	117	121	131	166-169	179	183	192-194	204	205	206	218-220	231	233	250	261	247	255	256	293	
В	\ 2nd ded	Complaint	12	28-29	31	33	50	09	62-67	77-85	109	110-111	116	120	130	165-168	178	182	191-192	203	204	205	217-219	230	232	249	260	246	254	255	292	
D	EBMUD ist	Complaint	12	28-29	31	34	51	19	63-68	98-82	110	111-112	117	121	131	166-169	179	183	192-193	204	205	206	218-220	231	233	250	261	247	255	256	, 293	
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В	Jefferson's Ferry 2nd Amended	Complaint	12	28-29	31	•	53	63	65-70	80-88	112	113-114	119	123	133	16B-171		185	194-195	206	207	208	220-222	233	235	252	263	249				
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# EXHIBIT A CORRELATION CHART OF NEW ALLEGATIONS

City of Stockton         Stockton         RDA & County           SF RDA 1st SMUD 2nd Annended Amended Amended Amended Complaint		z	0	Ь	O	<u>س</u>
SF RDA 1st SMUD 2nd Amended Amended Amended Amended Complaint C						
Stackton         RDA & County           Amended Amended Complaint         Amended Amended Complaint         Amended Amended Complaint         Complaint Complaint         Compla				City of	Stackton	Tulare
SF KDA 1st SMUD 2nd Amended Amended Amended Amended Complaint C				Stockton	RDA &	County
Amended Complaint San		SF RDA 1st	SMUD 2nd	4th .	PFA 2nd	2nd
Complaint         Complaint <t< th=""><th></th><th>Amended</th><th>Amended</th><th>Amended</th><th>Amended</th><th>Amended</th></t<>		Amended	Amended	Amended	Amended	Amended
12         13         31         42         36         65-70         66         65         70         66         65-70         66         65-70         66         65-70         66         65-70         66         65-70         66         65-70         66         65-70         66         65-70         66         65-70         66         65-70         66         65-70         61         65-70         61         65-70         61         67         60         65-70         61         60         67         60         67         60         67         60         67 <t< th=""><th></th><th>Complaint</th><th>Complaint</th><th>Complaint</th><th>Complaint</th><th>Complaint</th></t<>		Complaint	Complaint	Complaint	Complaint	Complaint
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34         35         34         36           51         NA         51         53           61         57         61         63           61         57         61         63           63-68         59-64         63-68         65-70         6           63-68         59-64         63-68         65-70         6           63-68         59-64         63-68         65-70         6           75-83         71-79         78-86         80-88         7           108-109         107-108         111-112         112         111           117         115         117         119         111           111         111         111         113         111           1121         120         121         113         113           1121         110         111         113         113           110         112         112         113         114           1181         118         118         118         183         183           105-163         161-192         192-193         194-195         194           204         203         204	4	31	31	31	31	31
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131         130         131         133           166-169         165-168         166-169         168-171         166           179         178         168-171         166           183         182         181         181           183         182         183         185           192-193         191-192         192-193         194-195         192           204         203         204         206         207           205         205         204         206         207           206         205         207         208         208           218-220         217-219         218-220         208         208           231         232         233         235         235           250         249         250         252         253           261         260         261         263         253           252         254         255         254         255           255         255         258         258           252         252         258         258           252         252         255         255           252	13	121			123	121
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179         178         179         181           183         182         183         185           184         185         185         185           185         187         181         185           184         183         185         185           192-193         194-195         195         192-195           204         203         204         206         206           205         204         205         207         207           218-20         205         206         208         207           218-20         218-20         208         208         218-20           231         232         234         233         235           250         249         250         252         252           247         246         263         263           256         256         258         258           256         256         258         258           250         256         258         258           250         250         300         302           300         302         304         302           302 <t< td=""><td>15</td><td>166-169</td><td>165</td><td>166</td><td>168</td><td></td></t<>	15	166-169	165	166	168	
183         182         183         185           192-193         191-192         192-193         194-195         192-195           204         203         204         206         206           205         204         205         207           206         205         206         207           206         205         207           207         208         207           208         208         208         207           218-220         218-220         2208         218-220           231         232         233         233           232         232         233         233           247         249         260         261         263           247         246         247         249           255         254         252         253           256         256         257         249           256         256         257         258           256         257         258         258           250         250         303         302           300         300         302         304           301	16	179				179
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231         230         231         233           233         232         233         235           250         249         250         252           247         246         247         249           255         254         255         257           256         255         257           256         255         258           293         292         293         295           300         299         300         302           302         301         302         304	22		21.7		220	21
233         232         233         235           250         249         250         252           261         260         261         263           247         246         247         249           255         254         255         257           256         255         257           253         256         258           293         295         295           300         299         304           302         304         304	23	231	230			231
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261         260         261         263           247         246         247         249           255         254         255         257           256         255         256         258           293         292         293         295           300         299         300         302           302         301         302         304	25	250				250
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03/28/2011 13:38 FAX 650 697 7166 COTCHETT PITRE MC CARTHY
Case 1:10-cv-08273-VM Document 44 Filed 04/07/11 Page 10 of 15

EXHIBIT A CORRELATION CHART OF NEW ALLEGATIONS

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			Coptra			City of Los	City of	City	City			San Jose	
		Jefferson's		EBMUD			po	hmond	Riverside		San Diego	(City &	San Mateo
		Ferry 2nd	-뒤		T			1st	Znd	SSWD 2nd	County 4th	KDA) Ist	County 4th
*	Tracking #	Amended Complaint	Amended Complaint	Amended	Amended Complaint	Amended Complaint	Amended Complaint	Amended Contplaint	Amended Complaint	Amenaea  Complaint	Complaint	Complaint	Complaint
33	32			3	322			323					323
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35	34			365-369	364-368			365-369	368-372	365-369	365-369	366-370	
36	35						370-379		373-382	370-379	370-379		
37	36	,	381-382	381-382	380-381	381-382	381-382	381-382			381-382		
38	37			383-498	382-497	383-498	383-498	383-498	386-501	383-49B	383-498	384 499	383-498
93	38	8 538		536	535	536	536	536	539	536	536	537	536
8	39			538	537	538	538	538	541	538	538		
41	40		539	539	538	539	539	683	542	539	539		539
42	41			555	554	555	555	555	558		555		
43	42	2 559	55.7	557	556	557	257	255	95 260	557	55.7	558	
4	43	3 560		558	557		558	558	561				
45	44	4 575	573	573	572	573	573	573	576		572		
46	45	577-	575-578	875-578	574-577	875-578	575-578	575-578	578-	575-	575-	576-	575-
47	4	685 280	185.	285	586	587	587	587	590		7 587		
48	47	909	604	<del>1</del> 09	603	409	604	604	109	604	t 604		
49	48	809 8	909	909	909	909	909	606					
20	49	059 6	689	648	<i>L</i> 99	768	648	648	772	654	€ 682		
51	ফ	0 658	769	959	5/9	9//	959	656	780	662		0 657	_
52	, s	1 669	708	199	989	787	299	199	791	673			
53	5	2 671	017	699	889	789	699	699	793	675			
54	53	3 674-675	713-714	672-673	691-692	792-793	672-673	672-673	796-	-8/9	706	673	-569
55	Š	4 676	715	674	693	794	674	674					
26	ν̈́ń	5 677-684	716-723	675-682	107-469	795-802	675-682	675-682	799-806				
57	35	6 689-691	728-730	689-289	706-708	807-809	689-289	687-689	811-813	3 693-695			
28	57			969-269	714-715	815-816	969-569	969-569	819-820	701-702	2 729-730	0 696-697	718-719
29	120	2007	739	869		818	869		822	704	4 732		
8	59	704	743	702	721	822	702	702	826	5 708	8 736	6 703	
61	09	0 712	751	01/2	729	830	710		834	1 716			
62	61	1 719		717	736	837							
63	62	2 725-731	764-770	723-729	742-748	843-849	723-729	723-729	847-853	3 729-735	5 757-767	724-730	746-752

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03/28/2011 13:39 FAX 650 697 7166 COTCHETT PITRE MC CARTHY

Case 1:10-cv-08273-VM Document 44 Filed 04/07/11 Page 11 of 15

EXHIBIT A CORRELATION CHART OF NEW ALLEGATIONS

	Z	0	Ь	Ø	α'
			City of	Stockton	Tulare
			Stocktou	RDA &	County
	SF RDA 1st	SF RDA 1sdSMUD 2nd	4 <del>t</del> h	PFA 2nd	2nd
	Amended	Amended	Amended	Amended	Amended
1	Complaint	Complaint	Complaint	Complaint	Complaint
33	323			325	
34	325-363	324-362	325-363	327-365	
35	365-369	364-368	365-369	367-371	365-369
99	370-379	369-378	370-379	372-381	370-379
37	381-382	380-381	381-382	383-384	381-382
38	383-498	382-497	383-498	385-500	383-498
39	536	523	985	538	536
40	538	537	862	540	
41	539	538		541	539
42	555	554	555		,
43	557	929	557	559	
44	558	557	558	560	
45	573	572	573		573
46	575-578	574-577	575-578	577-580	575-578
47	587	586	287	685	587
48	604	603	604	909	604
49	909	605	606	608	909
20	648	674	813		. 672
51	656			675	
25	199	693	695	686	691
53	699	895	694	889	693
54	672-673	669-869	697-698	-169	696-697
55	674	700	669	693	698
99	675-682	701-707	700-707	694-701	699-706
57	687-689	713-715	712-714	206-708	711-713
58	969-696	721-722	720-721	714-715	719-720
59	869	724	723	717	722
09	702	728	727	721	
61	710	736			
62	717	743	742	736	
63	723-729	749-755	748-754	742-748	747-753

EXHIBIT A CORRELATION CHART OF NEW ALLEGATIONS

				_		9	71
M		San Mateo	County 4th	Amended	Complaint	755-756	75
Γ .	San Jose	(City &	RDA) 1st	Amended	Complaint	733-734	692
¥		San Diego	SSWD 2nd County 4th RDA) 1st County 4th	Amended Amended Amended Amended Amended Amended Amended	Complaint  Complaint  Complaint  Complaint  Complaint  Complaint  Complaint  Complaint  Complaint  Complaint	770-771	802
7			SSWD 2nd	Amended	Complaint	738-739	*LL
	Gity	Riverside	2nd	Amended	Complaint	856-857	892
н	City	Richmond Riverside	lst	Amended	Complaint	732-733	89/
9		Redwood	City 1st	Amended	Complaint	732-733	368
LL	City of Los City of	Angeles	3rd	Amended	Complaint	751-752 852-853	888
ш	,		LAWA 2nd 3rd	Amended	Complaint		787
۵		EBMUD	1st	Amended	Complaint	732-733	768
ပ	Contra		Ferry 2nd County 4th 1st	Tracking Amended Amended	Complaint Complaint Complaint	773-774	809
В		Jefferson's Costa	Ferry 2nd	Amended	Complaint	734-735	770
Α.				Tracking	#	63	64
					-	22	65

8	Tulate County 2nd I Amended	Compraint Compraint   Compraint   Compraint	752 756-757	787 792
a	Stockton RDA & PFA 2nd Amended	Compilate	751-752	
d	City of Stockton 4th Amended	Complain	757-758	262
0	City of Stockton SF RDA 1st SMUD 2nd 4th Amended Amended Amended	Compianic	758-759	167
Z	SF RDA 1st Amended	Countrianne	732-733	892
		-	94	9

9

# Exhibit B

# EXHIBIT B NEW CLIENT SPECIFIC ALLEGATIONS

	A	В	S	۵	ш	Ł	9	工	-	ſ
					San Jose			Stockton		
	Contra Costa City of Los	City of Los	Ciry		(City &		City of	RDA & PFA Tulare	Tulare	Jefferson's
	County 4th	Angeles 3rd	Riverside 2nd SSWD 2nd	SSWD 2nd	RDA) 1st	SMUD 2nd	Stockton 4th 2nd	2nd	County 2nd	Ferry 2nd
	Amended	Amended	Amended	Amended	Amended	Amended	Amended	Amended	Amended	Amended
Ψ,	Complaint		Complaint	Complaint	Complaint	Complaint	Complaint	Complaint	Complaint	Complaint
			648-649; 651-		,		,			
			652, 654-655,				•			
		646-647; 649-	646-647; 649- 660-661; 666;							
		650; 652-653;	650; 652-653; 668-669; 671-							
		655-656; 659-	655-656; 659- 675; 677-678;							
		660; 662-663;	660; 662-663; 683-684; 686-							
		-069; 680-	687; 689-690;							
		691; 693-695;	692-693; 698-							
		697-698; 704-	700; 702-703;							
		705; 707; 710-	705-706; 708-							Preamble,
		711; 713-714;	709; 711-712;			97-99;				26, 29, 30
		716; 718-719;	714;			109-111; 650;				Prayer for
		738; 747; 749;	717-718; 720;	100-103;	, 100-101;	652; 655-656;		648-649; 650; 650-652; 657;		Relief
7	663-664; 680		723, 732, 733	645-648	103-104	999; 699	661; 664	659		645-646 paragraph A